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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/692,312	10/20/2000	Tadashi Ono	33216M059	5746

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EXAMINER

DUGGINS, ALICIA M

ART UNIT PAPER NUMBER

2616

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/692,312	<b>Applicant(s)</b> ONO ET AL.	
	<b>Examiner</b> Alicia M Duggins	<b>Art Unit</b> 2616	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 21 July 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Arguments***

Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-13 and 16-18 rejected under 35 U.S.C. 102(b) as being anticipated by Shimazaki (US6160950).

Regarding claims 1,13 and 16, Shimazaki shows size detecting means for deciding when data is sequentially recorded in a file and whether or not the next unit of data can be recorded in the same file and file creation controlling means, where if there is no space left on the tape, the tape is rewound a recording continues (col.5 ll.17-23)

File writing means for writing data in a file is shown as a digest address generating means (8) in fig.3 (col.5 ll.14-16, 20-23)

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Regarding claims 3,8 and 11, Shimazaki shows image mode information detecting means where a change of image mode is detected in fig.14 where a screen change over detecting circuit (716) detects a change of scene (col.11 ll.22-41)

File recording controlling means are shown in fig.1 as record control means (7) (col.3 ll.42-43, col.4 ll.21-30)

Regarding claims 4,9 and12, Shimazaki shows voice mode information detection means for detecting a change of voice mode is shown in fig.1 as speech level detecting means (3) (col.3 ll.60-65) it is also shown that when a voice mode change occurs, data is recorded to another file or recording is stopped (col.4 l.31-col.5 l.24)

Regarding claims 7 and 10, detecting means for detecting a change of a property is shown as digest display portion detecting means (2) in fig.1, which detects a change in audio or video signals and file recording controlling means for recording data in a file when a change of property is detected (col.3 ll.59-65, col.7 ll.25-60)

File writing means for writing data in a file is shown as a digest address generating means (8) in fig.3 (col.5 ll.14-16, 20-23)

Regarding claim 17, Shimazaki shows image mode information containing a frame frequency shown as a frequency band (col.10 ll.10-25)

Regarding claim 18, Shimazaki shows voice mode information with a sampling frequency in fig. 7 (col. 6 ll. 36-47)

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 14 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimazaki (US6160950) in view of Itoh (US6700989)

Regarding claims 14 and 15, Although Shimazaki shows a recording apparatus as mentioned in the applicant's invention, he does not show a medium carrying a program/data to make a computer execute some of the functions of the data recording apparatus and an information package that is the program/data to make the computer execute the functions of the data recording apparatus which is shown by Itoh in fig. 34 (col. 36 ll. 15-20). It would have been obvious to one of skill in the art to have a medium carrying a program/data to make a computer execute some of the functions of the data recording apparatus and an information package that is the program/data to make the computer

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execute the functions of the data recording apparatus to make the invention portable and more accessible to users of the apparatus.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M Duggins whose telephone number is (703)305-5621. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile can be reached on (703) 305-4380. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMD

3/15/05



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